

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jeremiah Lee Minor,	:	
	:	Case No. 1:24-mc-003
Petitioner,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	Order Adopting Report and
Department of Defense,	:	Recommendation and Dismissing Action
	:	
Respondent.	:	

This matter is before the Court on the Report and Recommendation by Magistrate Judge Stephanie K. Bowman recommending dismissal of this action. (Doc. 3.) Petitioner Jeremiah Lee Minor filed a Customer’s Motion to Challenge Government’s Access to Financial Records on January 10, 2024. (Doc. 1.) Minor sought to quash a subpoena pursuant to the Financial Privacy Act of 1978 (“the Act”), 12 U.S.C. § 3410, that Respondent Department of Defense issued to American Express for Minor’s financial records. (*Id.* at PageID 1, 3.) Magistrate Judge Bowman entered an Order on February 13, 2024 requiring Minor to properly serve Respondent. (Doc. 2.) Minor took no action in response. Magistrate Judge Bowman then issued the Report and Recommendation on September 18, 2024 recommending that the action be dismissed. (Doc. 3.)

Title 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1) authorize magistrate judges to make recommendations concerning dispositive matters that have been referred to them. Parties then have fourteen days to make, file, and serve specific written objections to the report and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). “The district judge may accept, reject, or modify the recommended disposition; receive further

evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1) (substantively similar). Minor did not object to the Report and Recommendation.

The Court agrees that this action should be dismissed because Minor failed to properly serve the United States Department of Defense. The Certificate of Service implies that Minor mailed “[c]opies to” the Inspector General of the Department of Defense at an address in Virginia, the Custodian of Records for American Express/Datamark at an address in Texas, and a Special Agent of the Department of the Army Criminal Investigation Division at an address in Florida. (Doc. 1 at PageID 2.) The Act requires that “[s]ervice shall be made under this section upon a Government authority by delivering or mailing by registered or certified mail a copy of the papers to the person, office, or department specified in the notice which the customer has received pursuant to this chapter.” 12 U.S.C. § 3410(a). Service by regular mail is not sufficient. *See Clark v. Inspector Gen. of the U.S. Dep’t of Agric.*, 944 F. Supp. 818, 819–820 (D. Ore. 1996). Moreover, Petitioner has not otherwise replied to the February 13, 2024 Order or to the September 18, 2024 Report and Recommendation. Accordingly, dismissal is appropriate.

For these reasons, the Report and Recommendation (Doc. 3) is **ADOPTED**, and this action is **DISMISSED**.

IT IS SO ORDERED.

BY THE COURT:

S/Susan J. Dlott
Susan J. Dlott
United States District Judge